

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-10112-JLT
)	
COMMONWEALTH OF)	
MASSACHUSETTS, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**STATE DEFENDANTS' CROSS-MOTION FOR
SUMMARY JUDGMENT AS TO THEIR COUNTERCLAIM**

Pursuant to Fed. R. Civ. P. 56, the defendants the Commonwealth of Massachusetts, the Massachusetts Department of Environmental Protection, Mitt Romney, in his capacity as governor of Massachusetts, and Robert W. Golledge, Jr., in his capacity as Commissioner of the Massachusetts Department of Environmental Protection (the "State defendants"), by and through their undersigned counsel, and move this Court to enter summary judgment in favor of the State defendants as to the Counterclaim set forth in the their First Amended Complaint (Docket Entry No. 16), for the reasons set forth in the accompanying Memorandum of Law.

REQUEST FOR A HEARING

_____The State defendants respectfully request oral argument on this motion and on their opposition to plaintiff's motion.

Respectfully submitted,

/s/ Nora J. Chorover

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Local Rule 7.1(a)(2) Certification

Pursuant to Local Rule 7.1(a)(2), undersigned counsel conferred by telephone with counsel for plaintiff on July 11, 2005 and attempted in good faith to resolve or narrow the issues presented by this motion. Counsel for plaintiff represented to undersigned counsel that plaintiff would oppose this motion.

/s/ Nora J. Chorover

Nora J. Chorover
Assistant Attorney General